
LR 100.1 Case Management/Electronic Case Filing System (Cm/ECF) Overview:

The District of Oregon uses the Federal judiciary's Cm/ECF system and the Internet to support electronic filing, service, and public access to court records in civil cases assigned to the Cm/ECF system. More information is available at [1.](http://ord.uscourts.gov/ecf/ecf.html)

ord.uscourts.gov/ecf/ecf.html.

LR 100.2 Cm/ECF Registered Attorneys (See [LR 83.1\(e\)](#) and [LR 1.5\(i\)](#) - Filing User): Unless otherwise exempted pursuant to LR 83.1(e), attorneys admitted to the bar of this court must register with the Cm/ECF system. Registration instructions are explained on the court's website at ord.uscourts.gov/ecf/ecf.html.

(a) Cm/ECF Login and Password Security: Once Cm/ECF registration is completed, the clerk's office will notify the Filing User of their **his/her** personal login and password. Filing Users agree to protect the security of their passwords and immediately notify the clerk if they learn that their password has been compromised.

(b) Cm/ECF Filing User's E-mail Account: Concurrent with Cm/ECF registration, the clerk's office will activate the Filing User's e-mail account to allow the user to receive court materials pursuant to [LR 100.13](#).

LR 100.3 Voluntary Participation in the Cm/ECF System (See [LR 100.5\(c\)](#)): Without obtaining prior court approval, Filing Users may electronically file all petitions, motions, memoranda of law, or other pleadings and documents required to be filed with the court using the court's Cm/ECF and Internet capabilities.

LR 100.4 Filing Initial Papers With the Court: Initial pleadings, to include related summons and other case papers, shall be filed conventionally on paper, with an additional electronic copy filed as required below:

(a) For All Non-Removal Civil Actions: If the Plaintiff elects to file electronically pursuant to [LR 100.3](#), it shall include a PDF copy of all initial case papers concurrent with the conventional filings required by the preceding paragraph. Submission of these electronic records may be on 3.5 inch diskette or CD Rom.

(b) For All Removed Civil Actions: If the removing party elects to file electronically pursuant to [LR 100.3](#), it shall submit a PDF copy of all initial papers (to include state court documents) on 3.5 inch diskette or CD Rom within three (3) business days of the initial filing.

LR 100.5 Electronic Filing of Subsequent Papers:

(a) Previous Conventional Filings: Unless otherwise directed by the court, it is not necessary for a party to submit electronic versions of previous conventionally filed documents.

(b) Subsequent Electronic Filings (See [LR100.15\(b\)](#)): Unless relieved by the court, once a Filing User starts to file in a case electronically, all subsequent filings in that case must be electronically filed.

(c) Judge's Working Copy: One paper copy for the judge of each electronically filed document must be delivered to the Clerk within three (3) business days of the electronic filing. The Notice of Electronic Filing must be attached to the front of the paper copy.

LR 100.6 Consequences of Electronic Filing: Electronic filing of a document consistent with these rules, together with the transmission of the Cm/ECF system generated *Notice of Electronic Filing*, constitutes filing of the document for all purposes of the Federal Rules of Civil Procedure and the local rules of this court, and constitutes entry of the document on the docket kept by the Clerk pursuant to Fed. R. Civ. P. 58 and 79.

LR 100.7 Filing Deadlines: Filing a document electronically does not alter the filing deadline for that document. Filing must be completed before 6:00 pm Pacific time in order to be considered timely filed that day.

LR 100.8 Signature Requirements

(a) Initial Case Papers (See Fed. R. Civ. P. 11 and [LR 11.1](#))

(b) Electronic Filings

(1) The Filing User's log-in and password serves as the Filing User's signature on all documents electronically filed with the court. They also serve as a signature for purposes of Fed. R. Civ. P. 11, the local rules of this court, and any other purpose for which a signature is required in connection with proceedings before the court.

(2) Each document filed electronically must include the Filing User's name preceded by an "s/" and typed in the space where the signature would otherwise appear, followed by the other information required by [LR 11.1](#), e.g.

s/ John Q. Lawyer

John Q. Lawyer, Esquire

OSB # 999-9999

[541] 999-9999

Attorney for Plaintiff

(3) No Filing User or other person may knowingly permit or cause to permit a Filing User's password to be used by anyone other than an authorized agent of the Filing User.

(c) Documents Requiring Multiple Signatures: Documents requiring signatures of more than one party must be electronically filed by:

- (1) Submitting a scanned document containing all necessary signatures;
- (2) Representing the consent of the other parties on the document;
- (3) Identifying on the document the parties whose signatures are required and submitting a notice of endorsement by the other parties no later than three (3) business days after filing; or
- (4) In any other manner approved by the court.

LR 100.9 Entry of Court Orders

(a) All orders, decrees, judgments, and proceedings of the court will be electronically filed in accordance with these rules which will constitute entry on the docket pursuant to Fed. R. Civ. P. 58 and 79. In addition, the court will file a paper original of all appealable orders, decrees and judgments.

(b) Electronic transmission of the Notice of Electronic Filing constitutes the notice required by Fed. R. Civ. P. 77(d).

(c) The Clerk will mail a paper copy of all appealable orders, decrees and judgments to all counsel of record.

(d) The Clerk will mail a paper copy of all notices to a person who is exempt from electronic service.

(e) Any order, decree, judgment, or other proceeding of the court filed electronically without the original signature of a judge has the same force and effect as if the judge had signed a paper copy and it had been entered on the docket in a conventional manner.

LR 100.10 Electronic Filing of Proposed Orders and Documents

(a) Proposed Forms of Orders or Judgments: Unless otherwise requested by the court, proposed forms of order or judgments shall be docketed and served and clearly identified as proposed documents.

(b) Proposed Amended Pleadings: (See [LR 15](#)): When leave of court is sought for filing an amended pleading or document, the proposed amended document must be electronically filed as an attachment to the motion.

(c) Proposed Jury Instructions, Verdict Forms and Voir Dire Questions: (See [LR 51.1\(e\)\(2\)](#)): In addition to electronic filing via the Cm/ECF system, proposed jury instructions, verdict forms, and voir dire questions must be submitted on 3.5 inch diskette or CD Rom in WordPerfect or ASCII text format. A judge may also direct that these documents be electronically mailed to chambers.

LR 100.11 Attachments and Exhibits

(a) Except as provided in subsection [\(b\)](#), Filing Users must:

(1) Submit all documents referenced as exhibits or attachments in electronic form, unless the court permits conventional filing;

(2) Submit as exhibits or attachments only those excerpts of the referenced documents that are directly germane to the matter under consideration by the court. Excerpted material must be clearly and prominently identified as such. Filing Users who file excerpts of documents as exhibits or attachments under this rule do so without prejudice to their right to timely file additional excerpts or the complete document. Responding parties may timely file additional excerpts or the complete document that they believe are directly germane.

(b) The following documents may be filed conventionally or in CD Rom (PDF) format without prior court approval:

(1) Administrative records, including, but not limited to, APA, IDEA, ERISA, and INS administrative records; (See [LR 100.17\(b\)\(2\)](#))

(2) Demonstrative exhibits;

(3) Oversized exhibits, including but not limited to maps and blueprints; and

(4) Exhibits or attachments of more than 100 pages

LR 100.12 Retention Requirements: Documents that are electronically filed and require original signatures other than that of the Filing User must be maintained in paper form by the Filing User until either final disposition of the case **plus** the time for appeal; or until the expiration of any relevant statute of limitations, whichever is greater. On request of the court or a party, the Filing User must provide the original document for review.

LR 100.13 Electronic Service

(a) Consent to Receive Electronic Service (See [LR 100.2](#)): Registration as a Filing User constitutes consent to electronic service of all electronically filed documents as provided in these rules.

(b) Responsibility to Perfect Service:

(1) Parties who have not consented to electronic service must be served a paper copy of any electronically filed pleading or other document according to the Federal Rules of Civil Procedure.

(2) Upon notification from the Court that electronic service has not been perfected, the Filing User has the responsibility to perfect service on all parties conventionally pursuant to Fed. R. Civ. P. 5.

(c) Proof of Electronic Service: The Cm/ECF system generated *Notice of Electronic Filing* constitutes proof of service upon a Filing User in accordance with the Fed. R. Civ. P. 5(d)

(d) Electronic Service of Non-Filed Documents (See [LR 5.2](#))

LR 100.14 Official Record: When a document has first been filed electronically, the official record is the electronic recording of the document as stored on the Cm/ECF system, and the filing party is bound by the document as filed. Where a document is first conventionally filed, and then electronically filed pursuant to [LR 100.5](#), the conventionally filed document is the official record.

LR 100.15 Application to Discontinue Electronic Filing

(a) Withdrawal of Cm/ECF Attorney Registration (See [LR 83.1\(e\)](#))

(b) Application to Discontinue Electronic Filing in a Case: Upon application served on all parties, the assigned judge may authorize a Cm/ECF registered

attorney to discontinue electronic filing in the particular case.

LR 100.16 Technical Failures: A Filing User whose filing is made untimely as a result of a technical failure may file a motion for appropriate relief from the court.

LR 100.17 Public Access to Electronic Records

(a) Public Access Through PACER: A person may review at the clerk's office filings that have not been sealed by the court. A person also may access the CM/ECF system at the court's Internet site ord.uscourts.gov/ecf/ecf.html by obtaining a PACER log-in and password. A person who has PACER access may retrieve docket sheets and documents. Only a Filing User under [LR 1.5\(i\)](#) of these rules may file documents.

(b) Privacy Concerns

(1) Format for Personal Data Identifiers (See [LR 10.3](#))

(2) Social Security Cases: Electronic access to documents in actions against the Commissioner of the Social Security Administration is limited to participants in the case and court users. The administrative record must be filed conventionally and not electronically.

(3) Downloading Privacy Information: Information posted on the Cm/ECF system must not be downloaded for uses inconsistent with the privacy concerns of any person.

(c) Sealed Documents (See Also [LR 3.9](#)): A motion to file documents under seal may be filed electronically unless prohibited by law or otherwise ordered by the court. The order of the court authorizing the filing of documents under seal may be filed electronically unless prohibited by law. Documents ordered to be placed under seal must be filed conventionally and not electronically. A paper copy of the order must be attached to the documents filed under seal and delivered to the clerk.

(d) Individual Party Consents to U.S. Magistrate: Individual Party Consents for all Further Proceedings before a U.S. Magistrate Judge must be filed conventionally and not electronically. When all parties file consents, the Clerk will make the appropriate docket entry.

Amendment History to LR 100

June 1, 2002

LR 100 Cm/ECF - Electronic Filing System

LR 100 is an entirely new rule designed to accommodate the unique practice and procedural requirements associated with the court's electronic filing system - Cm/ECF. The rule has been cross-referenced to relevant federal rule of civil procedure, local rules of the district court, and proposed model Cm/ECF rules. This rule also explains that the Cm/ECF system is the national judiciary electronic filing system, and although the system has been in prototype development since 1997, national filing standards, as well as federal and local rule implications, are still evolving. By implication this means that changes to the operating system, and rules of practice and procedure, will also be evolving and changing for the next several years. Consequently, the District of Oregon has elected to include all Cm/ECF related local rules of practice and procedure within the body of one local rule.

LR 100.2 Cm/ECF Registered Attorneys

At the time of this rule amendment, limitations in clerk's office staffing, and the fact that Cm/ECF is still in the early development stages in Washington, D.C., preclude expanding the electronic filing and service options beyond Cm/ECF registered attorneys.

(a) Cm/ECF Login and Password Security

Each attorney must protect their personal Cm/ECF login and password in the same manner as they would their personal credit or bank card PIN number. In the event that either is lost or compromised, the attorney must immediately report that fact to the nearest clerk's office, who will reissue a new login and password.

(b) Cm/ECF Filing User's E- mail Account

Once the clerk's office sets up the initial e-mail account, the Filing User has on-line access to the Cm/ECF system to update and maintain

	<p>personal and business information to ensure that they receive service of future electronic filings. Instructions for updating this information can be found in the Cm/ECF User's Manual at ord.uscourts.gov/ecf/ecf.html. The rule contemplates waiver of the paper notice requirements of LR 83.10.</p>
LR 100.3 Voluntary Assignment of Civil Cases to the Cm/ECF System	<p>For the present time, the court has determined that participation in the electronic filing aspects of Cm/ECF will be on a voluntary basis. Attorneys are strongly encouraged to use the Cm/ECF system to file and serve documents in all civil cases.</p>
LR 100.4 Filing of Initial Papers with the Court	<p>When a plaintiff elects to file electronically, he must tender a PDF copy of the initial complaint on 3.5" diskette or CD Rom at the time of filing the initial papers. Parties removing actions to the federal court, who elect to file electronically, must tender the PDF copy of the initial papers, including the state court documents, within three (3) business days. The clerk's office will insert the PDF file at the time of docketing.</p>
LR 100.6 Consequences of Electronic Filing	<p>This rule provides a "time of filing" rule that is analogous to the traditional system of file stamping by the Clerk's office. A filing is deemed made when it is acknowledged by the Clerk's office through the CM/ECF system's automatically generated <i>Notice of Electronic Filing</i>. This rule also declares that electronically filed documents are considered to be entries on the official docket.</p>
LR 100.8 Signature Requirements	<p>(a) Initial case papers are filed conventionally pursuant to Cm/ECF LR 100.4, therefore the original signature requirements of Fed. R. Civ. P. 11 still apply.</p> <p>(b)(1) Cm/ECF requires filing users to register with the system (LR 100.2) in order to receive their personal login and password. Cm/ECF</p>

also requires a Filing User to connect to the system, using their login and password in order to file and serve documents with the court and other Filing Users. Consistent with the model national rules, this rule declares that use of a Filing User's login and password constitutes a signature for purposes of the Federal Rules of Civil Procedure; including Fed. R. Civ. P. 11, and any other purpose for which a signature is required on a document in connection with proceedings before this court. It also assures that such a signature has the same force and effect as a written signature.

(b)(2) At the present time, other forms of digital or other electronic signature have received only limited acceptance. It is possible that over time and with further technological development a system of digital signatures may replace the current password system. Some users of electronic filing systems have questioned whether an s-slash requirement is worth retaining. The better view is that an s-slash is necessary; otherwise there is no indication that documents printed out from the website were ever signed. The s-slash provides some indication when the filed document is viewed or printed that the original was in fact signed.

(b)(3) This paragraph does not require an attorney or other Filing User to personally file his or her own documents. The task of electronic filing can be delegated to an authorized agent, who may use the log-in and password to make the filing. However, use of the log-in and password to make the filing constitutes a signature by the Filing User under the Rule, even though the Filing User does not do the physical act of filing.

	<p>(c) Issues arise when documents being electronically filed have been signed by persons other than the filer, e.g., stipulations and affidavits. The Model Rule provides for a substantial amount of flexibility in the filing of these documents.</p>
<p>LR 100.9 Entry of Court Orders</p>	<p>Electronically filed court orders have the same force and effect as an order conventionally filed. This rule also contemplates that a judge can authorize court support personnel to electronically enter an order on the judge's behalf.</p>
<p>LR 100.11 Attachments and Exhibits</p>	<p>One issue that has arisen in most courts using electronic filing relates to attachments or exhibits not originally available to the filer in electronic form, and that must be scanned (or imaged) into Portable Document Format (PDF) before filing. Examples include leases, contracts, proxy statements, charts and graphs. A scanned document creates a much larger electronic file than one prepared directly on the computer (e.g., through word processing). The large documents can take considerable time to file and retrieve. The rule provides that if the case is assigned to the electronic filing system, the party must file this type of material electronically, unless the court specifically permits conventional filing.</p>
	<p>(a) It is often the case that only a small portion of a much larger document is relevant to the matter before the court. In such cases, scanning the entire document imposes an inappropriate burden on both the litigants and the courts. To alleviate some of this inconvenience, the rule provides that a Filing User must submit as the exhibit only the relevant excerpts of a larger document. The opposing party then has a right to submit other excerpts of the same document under the principle of completeness.</p>

		<p>(b) This rule is not intended to alter traditional rules with respect to materials that are before the court for decision. Thus, any material on which the court is asked to rely must be specifically provided to the court.</p>
	<p>LR 100.12 Retention Requirements</p>	<p>(a) Because electronically filed documents do not include original, handwritten signatures, it is necessary to provide for retention of certain signed documents in paper form in case they are needed as evidence in the future. This rule requires retention only of those documents containing original signatures of persons other than the person who files the document electronically. The filer's use of a log-in and password to file the document is itself a signature under the terms of LR 100.8.</p>
		<p>(b) This rule places the retention requirement on the person who files the document.</p>
		<p>(c) Filers should retain a paper copy of electronically filed documents in which a person verifies, certifies, affirms, or swears under oath or penalty of perjury. See, e.g., 28 U.S.C. § 1746 (unsworn declarations under penalty of perjury).</p>
	<p>LR 100.13 Electronic Service</p>	<p>The court finds that maintenance of the "individual written consents" required by the Fed. R. Civ. P. 5(b)(2)(D) is too cumbersome and unwieldy to manage effectively.</p>
	<p>LR 100.17 Public Access and Privacy Issues</p>	<p>On October 1, 2001 the Judicial Conference approved the following policy in regards to the electronic availability of case files. "Documents in civil cases should be made available electronically to the same extent that they are available at the courthouse with one exception (Social Security cases should be excluded from</p>

electronic access) and one change in policy (certain "personal identifiers" should be modified or partially redacted by the litigants). These identifiers are Social Security numbers, dates of birth, financial account numbers, and names of minor children." LR 100.17(b) and LR 10.3 have been written to conform to the spirit of that policy.

(a) This rule is taken from Rule 12 of the Model Local District Court Rules for Electronic Case Filing approved by the Judicial Conference at its March 2002 session.

(b)(2) Cm/ECF software provides the capability to limit access to electronically filed documents by Nature of Suit Codes (NOS). Social Security cases are categorized by specific NOS codes and as such redaction and/or modification of documents, pleadings and orders in this category of cases is unnecessary. Additionally, in conformance with Judicial Conference policies, this rule clearly excludes the administrative record in a Social Security case from electronic filing.

(c) This rule recognizes that other laws may affect whether a motion to file documents under seal, or an order authorizing the filing of such documents, can or should be electronically filed. It is possible that electronic access to the motion or order may raise the same privacy concerns that gave rise to the need to file a document conventionally in the first place. For similar reasons, the actual documents to be filed under seal should ordinarily be filed conventionally. Existence vs. Content

(d) Individual party consents to Magistrate

Judge are non-public documents and should not be electronically filed. Clerk's office staff will create a non-public entry to the docket recording the filing. At such time as all parties have consented, a public entry will be made to the docket sheet by court staff.

[Forward To LR 1000](#)